

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, INC.,

Debtor-in-Possession,

MARK D. WALDRON, in his capacity
as the duly-appointed Chapter 7
Trustee,

Plaintiff,

v.

PERKINS COIE LLP, a Washington
limited liability partnership, LOWELL
NESS, individual and California
resident, GIGA WATT PTE., LTD., a
Singapore corporation, ANDREY
KUZENNY, individual and
Russian citizen, TIMUR USMANOV,
individual and Russian citizen,

Defendants,

- and -

THE GIGA WATT PROJECT, a
partnership,

Nominal Defendant

PERKINS COIE, LLP, a Washington
limited liability partnership; LOWELL
NESS,

Third-Party Defendants

Case No. 18-03197-FPC

Adversary No. 20-80031-FPC

NOTICE TO COURT

vs.

JUN DAM, Individually and as
Representative of a Class of Similarly
Situated Token Purchasers

Third-Party Defendant.

United States Bankruptcy Judge Frederick P. Corbit referred this Adversary Proceeding to the undersigned for the purpose of conducting a settlement conference on July 19, 2022, at ECF No. 98. The undersigned entered an Order on October 10, 2022, at ECF No. 119, setting a scheduled mediation in Seattle.

Prior to the mediation, the below signed engaged with Defendant Perkins Coie LLP (“Perkins”), Plaintiff Mark D. Waldron in his capacity the Chapter 7 Trustee (the “Estate”), and Jun Dam, Individually and as Representative of a Class of Similarly Situated Token Purchasers (the “Class”)¹ and their counsel to understand the positions and objectives of each, as well as determining what issues may preclude a global agreement between Perkins and the Estate, Perkins and the Class, and the Estate and the Class.

The Parties met in Seattle on January 20, 2023, to discuss settlement of this matter, and significant progress was made towards a global agreement. While no agreement was finalized at the settlement conference, the efforts continued in the months that followed. Rarely does a party get everything it wants and the below signed was optimistic that the Parties would resolve their issues and embrace an imperfect resolution rather than resign themselves to further litigation.

However, as the discussions continued, progress towards a global agreement stalled and the undersigned’s optimism waned. On Friday, April 28, 2023, it became apparent to the below signed that his efforts would not be successful. On Sunday, April 30, 2023, the below signed advised the Parties that his efforts would cease.

¹ Collectively, the “Parties.”

Accordingly, the undersigned notifies the Court that the mediation was unsuccessful.

Dated May 2, 2023,

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'B. Hursh', with a long horizontal flourish extending to the right.

Hon. Benjamin P. Hursh
United States Bankruptcy Court
District of Montana